

DEPARTMENT OF PERSONNEL ADMINISTRATION

LABOR RELATIONS DIVISION
15 "S" STREET, NORTH BUILDING, SUITE 400
SACRAMENTO, CA 95814-7243



March 30, 2006

Ms. Pam Manwiller
American Federation of State, County and
Municipal Employees
555 Capitol Mall, Suite 1225
Sacramento, CA 95814

Dear Ms. Manwiller:

The American Federation of State, County, and Municipal Employees (AFSCME) submitted its initial bargaining proposals for Bargaining Unit 19 for State response and public comment on March 23, 2006.

As in previous years, the employer reserves the right to make additional proposals and will invite public review and comment at that time.

Consistent with statutory requirements, the State is prepared to meet with AFSCME to begin negotiations. Please contact me at (916) 323-7998 to develop dates for these negotiations.

Sincerely,


Kristine Rodriguez
Labor Relations Officer

Attachment

**State Sunshine Collective Bargaining Proposals
For inclusion in the Agreement with the
American Federation of State, County, and Municipal Employees (AFSCME)
Bargaining Unit 19
Health and Social Services/Professional**

The State employer asserts that each and every provision of the contract, all side letters, addenda, amendments or other modifications to the contract are subject to renegotiation upon expiration of the contract. The State employer further asserts that any side letter, addendum, amendment or other modification to the contract that is not renegotiated and/or incorporated into the contract is superseded and no longer in effect.

The State employer will consider any proposal that is within scope and is particularly interested in receiving proposals that would provide management maximum flexibility to maintain optimum public service, achieve cost savings and/or improve efficiency in State operations.

Total Compensation:

The State of California is prepared to negotiate over compensation proposals presented by AFSCME utilizing a total compensation approach to employee compensation and benefits. Total compensation may include, but is not limited to, the following articles:

Article 6	Hours of Work and Overtime
Article 7	Salaries
Article 8	Holidays
Article 9	Leaves
Article 10	Health and Welfare
Article 11	Retirement Plan

Article 5 - Grievance and Arbitration Procedure

Pursuant to new provisions of Government Code Sections 3517.63, 19829.5, and 19829.6 (SB 621), the State employer proposes to update the arbitration process to include a provision that an arbitrator's award with a cost impact to the State of \$250,000 or more requires legislative approval.

Section 6.1 - Hours of Work and Overtime

The State employer proposes to bring its overtime practices in line with the Federal Fair Labor Standards Act (FLSA) by excluding the use of sick leave from the definition of "time worked" for purposes of determining when premium overtime is earned. The State employer proposes to include these changes in statute as well as the Memoranda of Understanding.

The State employer proposes to update the references to FLSA Exempt employees in regards to the amount they may be disciplined, participation in formal alternate work schedules, and the use of leave credits in less than whole day increments. These proposed changes are in line with the Department of Labor regulations and opinion letters.

Article 10 – Health and Welfare

The State employer proposes to work with the exclusive representative to update various provisions to be in line with the new workers' compensation laws.

Section 19.1 Entire Agreement

The State employer proposes to update the entire agreement provision to include the new provisions of Government Code Sections 3517.63, 19829.5, and 19829.6 (SB 621) which require that any agreement reached requiring expenditure of funds of \$250,000 or more shall be submitted to the California Legislature for approval before it is binding on the parties, as well as other changes that may be necessary.

General Information

The State takes note that all provisions of the Unit 16 MOU that affect the California Department of Corrections and Rehabilitation must conform to the requirements of the Court Receiver appointed under the *Plata* order and any other applicable court orders.

The State employer also proposes technical changes to correct errors, bring contract provisions up to date, and/or to delete obsolete language throughout the contract. The State employer proposes to work with the exclusive representative to ensure that all provisions are up to date.

The State employer reserves the right to add, modify, delete or otherwise change proposals during the course of negotiations.